



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 9, 1995

Mr. G. Mike Davis  
State Fire Marshal  
Texas Commission on Fire Protection  
P.O. Box 2286  
Austin, Texas 78768-2286

OR95-262

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 31862.

The requestor seeks a copy of the report of a residential fire which destroyed a dwelling in Fayetteville, Texas. You claim that section 552.108 excepts the information from disclosure.

Section 552.108 provides that:

(a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, and prosecution of crime is excepted from [required public disclosure].

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

In an open criminal case, section 552.108 exempts from disclosure all information except that normally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); *Open*

Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." See *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Attorney General Opinion MW-446 (1982); Open Records Decision Nos. 444 (1986), 434 (1986).

We have reviewed the documents at issue. You inform us that the investigation is currently pending and release of the information would unduly interfere with law enforcement. Therefore, you may withhold the requested information with the exception of first page offense report material.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/LMM/rho

Ref.: ID# 31862

Enclosures: Submitted documents

cc: Mr. Delton Wunderlich  
Shelby Group Secretary  
Austin County Farmers Mutual  
Fire Insurance Association, Inc.  
Route 2, Box 130  
Fayetteville, Texas 78940  
(w/o enclosures)